(11-P)

Previous references.

S.R. 32 of 02-03-

190 .

(Sep: Rev.)

File No. 61 of 1903-

Serial Nos. 1—

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1— 2

Part B. for

SUBJECT.

Appeal to the Chief Court against the acquittal of R.l Inagle of Shimoga of one accused for illicit distillation of arrack.

Sl 1. From the Government Advocate, Circle No. 91 D 30.10.1903 with reference to Govt Proc: No. 744-5 Ex D 27.6.03, forwards for information of Govt copy of judgment passed by the Judges of the Chief Court in Crl Appeal No. 18 of 03-04 (Jiganya vs Govt).

Sl 2. To the Excise Comr in original. From Govt Advocate } G.O. No. 393-4 Ex D 19.11.

Records the ab...

Sep: Rev: 61 of 1903-04

The original is in File No.Sep.Rev.32 of I902-03.

Office Note continued. (Vide Sep. Rev 32 of 1902-03)

Government Advocate's No. 9I dated 30-IO-I903.

An appeal was accordingly preferred and the Chief Court set aside the District Magistrate's order of aqquittal and restored the conviction of the Assistant Commissioner Magistrate. A copy of this judgment is submitted by the Government Advocate.

A draft recording this is submitted for information.

Id. H.V.N.
5-II-03.

To the Dewan through the 2nd Councillor.

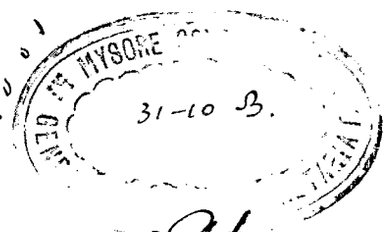
Seen- The order drafted Viz, "Recorded" may go.

Id. C.S.

5-II-03.

Copy.
30.11.06

Ex 203 of 2/11/03.



OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

DATED 30th October, 1903.

Sep: Rev. 61 of 1903-04
Sl 1.

No. 91
En. No. one copy of Judgment

3

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

held with note
cont'd a draft
Issued
2/11/03

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

vide Sl 2 of
Sep: Rev: 32 of 02-03.

With reference to Government Proceedings Order, No. 744-5 Ex. dated 24th June 1903, I have the honor to forward for information copy of Judgment passed by the Judges of the Chief Court in Criminal appeal No. 18 of 1903-4 (Jigajanaya &c Government of Mysore)

I have the honor to be,
Sir,
Your most Obedient
Servant
S. Ramaswamy
Government Advocate.

In the Chief Court of Mysore
at Bangalore.

Thursday the 3rd day of September
1903.

Present:

Hon. Justice A. Ramachandra Ayya
Chief Judge.

and,

Hon. Justice G. H. Micklejohn
Judge.

Criminal appeal No. 18 of 1903.

Hon. S. Ramasamy Ayya.
Govt. Advocate on
behalf of Government. } Appellant

~~Ditt~~

Jigajigga. Respondent
(accused)

Criminal appeal against
the order passed by the District
Magistrate of Shimoga in
Appeal No: 37 of 1902-03
quashing the conviction and
sentence by the Treasury
Assistant Commissioner -
Magistrate of Shimoga and
acquitting the respondent.

This

This appeal coming on for hearing on Monday the 21st day of August 1903, the Court pronounced the following Order:—

The Kigumaya, a Kanhumi by race placed before the Assistant Commissioner and 2nd Class Magistrate Shiwosa, charged with illicitly distilling arrack, are offences under Sec: 53 of the Excise Regulation, with six months' imprisonment or fine only or both, and consequently a summons case.

2. The accused was asked by the Magistrate if he had been recently distilling arrack and he admitted having done so, adding that he

7. The Government Advocate has presented an appeal by Government against this order of acquittal on the grounds, that the procedure adopted by the 2nd class Magistrate, as the Case was a Summons Case, was in accordance with the procedures laid down in Section 243 Criminal Procedure Code, and that, at any rate, the District Magistrate, if he found the procedure objectionable, should have ordered the accused to be retried, instead of acquitting him.

8. The District Magistrate has made a mistake in holding the procedure of the 2nd class Magistrate to be objectionable. It was in accordance with

with Section 243 Criminal Procedure Code.

7. If the District Magistrate considered that it was not safe to accept the statement of the accused owing to his having been under the influence of excise officials at the time of his being brought before the Court, he should have ordered a re-trial.

10. We see no reason, however, to hold that the accused's statement was not true, and voluntarily made. It could reasonably have been made to any one. One thing he did not wish to do, therefore, set aside the order of acquittal and restore the judgment of

Sess: Rev. 61 of 03-04
Sl 2.

Mysore Govt. Gen. & Rev. Secretariat,
Excise Branch.

4

File No. (if any) and its date—

Office Draft.

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Read: Letter no. 91 dt 30/10/03 from the Govt. Advocate submitting with ref. to G.O. no. 7465 dt 27/6/03, a copy of the Judgt. passed by the Hon'ble the Chief Court setting aside the order of acquittal passed by the District Magistrate of Shimoga & restoring the ~~Conviction~~ Judgt. passed by the Mysore Court & 2nd. Class Magistrate of Shimoga, in a excise case in wch. a certain Ramlaiah named Chiranjee was accused of the illicit distillation of arrack.

Order no 3937
dt 19.11.03.

Recorded
9/11/3

To the Excise Comm. in reply to Govt. Advocate.

bl.
5-11-03

Secy
5/11/03

Secy
7/11/03

Secy
10/11/03